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Supreme Court, U.S.
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In The
Supreme Court of the United States

BETTY WOODS WILSON,
Petitioner,

vs.

MAR 16 PAGE 14

MICHAEL W. HALEY, Commissioner,
Alabama Department of Corrections, et al.,
Respondents

On Petition for Writ of Certiorari
To The United States Court Of Appeals
For The Eleventh Circuit

PETITIONER'S REPLY TO BRIEF IN OPPOSITION

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CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Counsel hereby certifies, pursuant to Rule 14(b), that the following persons and entities haven an interest in this petition:

Kristi Adcock – District Attorney
Cecilee R. Beasley – Appellate Attorney
G. Ward Beeson, III, - Assistant Attorney General
Mo Brooks – District Attorney
Margaret S. Childers – Assistant Attorney General
Bobby Lee Cook – Trial/Appellate Attorney
Cook & Connelly – law firm representing Appellant
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Harwell G. Davis, III – Magistrate Judge
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Jimmy Fry – District Attorney
Judge Paul W. Greene – Magistrate Judge
Charles Hooper - Trial/Appellate Attorney
Richard S. Jaffe – Appellate Attorney
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Watson Jimmerson, PC-law firm representing Petitioner
Whatley Drake, LLC – law firm representing Petitioner
Betty Woods Wilson - Petitioner
Dr. Jack Wilson (deceased) – victim
Thomas N. Younger – Trial Judge

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STATEMENT OF THE CASE AND THE FACTS

The petitioner adopts the statement of the case and the facts set out in her original petition to this Court.

ARGUMENT AND CITATIONS OF AUTHORITY

I. WILSON'S PETITION PRESENTS IMPORTANT QUESTIONS REQUIRING CERTIORARI REVIEW.

In its brief in opposition to Wilson's petition for the writ of certiorari, the state argues that Wilson's *Brady*[1] claim is "not worthy" of certiorari consideration because "[t]he issue in this case is not whether there was a *Brady* ... violation, but instead is whether the United States District Court for the Northern District of Alabama correctly applied" the standard for habeas corpus claims. (Respondent's Brief in Opposition, p. 4)(emphasis in original). Finally, the state argues that there are no "special and important reasons" present in Wilson's case that would justify this Court's exercise of its error-correcting function. (Respondent's Brief in Opposition, p. 7).

It is respectfully submitted that the state's argument is simply incorrect. The issue in Wilson's case is, and has been throughout the entire appeals process, whether the state suppressed exculpatory interview notes taken by a court-appointed psychologist during his examination of James White, who the state alleged was Wilson's accomplice. As discussed in Wilson's petition, White was the state's key witness against Wilson. As recognized by the state in its plea agreement with White, the charge against Wilson "would, of necessity, have to be dismissed in absence of ... the testimony and cooperation of James Dennison White." *Ex parte Wilson*, 690 So. 2d 477, 485 (Ala. 1997) (Maddox, J., dissenting).

The suppressed interview notes contained statements by White regarding when the murder occurred, and when White was allegedly picked up by Wilson, that differed by

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[1] *Brady v. Maryland*, 83 S.Ct. 1194 (1963).

one to one and one-half hours from the times given for those same events in the time line relied on by the state in Wilson's trial. In short, the suppressed interview notes were powerful evidence of Wilson's innocence, and would have devastated the state's case, had they been produced.

It is remarkable that the state has failed to present a single line of argument to this Court regarding whether a *Brady* violation occurred in Wilson's case. The petitioner suggests that the state could not credibly argue that no *Brady* violation occurred. It is also remarkable that the only case law relied on by the state in its brief in opposition consisted of two dissenting opinions, both of which were dissents in cases where a constitutional error was found to have occurred, and this Court used its error-correcting function to rectify those errors.

Finally, a "special and important" reason for certiorari review presented by Wilson's petition is the constitutional principle that underlies this Court's decision in *Brady v. Maryland* and its progeny. That principle is that the state, in its zeal to prosecute, cannot suppress exculpatory or impeaching information without violating the defendant's right to a fair trial. That principle was violated in Wilson's case, and she turns to this Court for relief. There can be no more appropriate circumstance for this Court to exercise its error-correcting function than in the instant case, where Wilson has been sentenced to life without the possibility of parole, a sentence which is, for all practical purposes, a death sentence.

Wilson prays that this Court will grant her petition for the writ of certiorari, and after doing so, issue an opinion reversing the decision of the Eleventh Circuit Court of Appeals.

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